

tain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 412a. Exemption from taxation of lands subject to restrictions against alienation; determination of homestead**

All homesteads, heretofore purchased out of the trust or restricted funds of individual Indians, are hereby declared to be instrumentalities of the Federal Government and shall be non-taxable until otherwise directed by Congress: *Provided*, That the title to such homesteads shall be held subject to restrictions against alienation or encumbrance except with the approval of the Secretary of the Interior: *And provided further*, That the Indian owner or owners shall select, with the approval of the Secretary of the Interior, either the agricultural and grazing lands, not exceeding a total of one hundred and sixty acres, or the village, town, or city property, not exceeding in cost \$5,000, to be designated as a homestead.

(June 20, 1936, ch. 622, § 2, 49 Stat. 1542; May 19, 1937, ch. 227, 50 Stat. 188.)

AMENDMENTS

1937—Act May 19, 1937, substituted “All homesteads” and “individual Indians” for “All lands the title to which is now held by an Indian subject to restrictions against alienation or encumbrance except with the consent or approval of the Secretary of the Interior” and “said Indian”, respectively, and inserted two provisos.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 465a of this title.

**§ 413. Fees to cover cost of work performed for Indians**

The Secretary of the Interior is hereby authorized, in his discretion, and under such rules and regulations as he may prescribe, to collect reasonable fees to cover the cost of any and all work performed for Indian tribes or for individual Indians, to be paid by vendees, lessees, or assignees, or deducted from the proceeds of sale, leases, or other sources of revenue: *Provided*, That the amounts so collected shall be covered into the Treasury as miscellaneous receipts, except when the expenses of the work are paid from Indian tribal funds, in which event they shall be credited to such funds.

(Feb. 14, 1920, ch. 75, § 1, 41 Stat. 415; Mar. 1, 1933, ch. 158, 47 Stat. 1417.)

AMENDMENTS

1933—Act Mar. 1, 1933, substituted “to collect reasonable fees to cover the cost of any and all work performed for Indian tribes or individual Indians” for “to charge a reasonable fee for the work incident to the sale, leasing, or assigning of such lands, or in the sale of the timber, or in the administration of Indian forests” and “deducted from the proceeds of sale, leases, or other sources of revenue” for “from the proceeds of sales”, struck out introductory text “In the sale of all Indian allotments, or in leases, or assignment of leases covering, tribal or allotted lands for mineral, farming, grazing, business or other purposes, or in the sale of timber thereon” and provided for the use of discretion and the crediting of Indian tribal funds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 406, 407, 3105 of this title.

**§ 414. Reservation of minerals in sale of Choctaw-Chickasaw lands**

On and after August 25, 1937, in all sales of tribal lands of the Choctaw and Chickasaw Indians in Oklahoma provided for by existing law, the Secretary of the Interior is hereby authorized to offer such lands for sale subject to a reservation of the mineral rights therein, including oil and gas, for the benefit of said Indians, whenever in his judgment the interests of the Indians will best be served thereby.

(Aug. 25, 1937, ch. 778, 50 Stat. 810.)

**§ 415. Leases of restricted lands**

**(a) Authorized purposes; term; approval by Secretary**

Any restricted Indian lands, whether tribally, or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico, leases of land on the Agua Caliente (Palm Springs) Reservation, the Dania Reservation, the Pueblo of Santa Ana (with the exception of the lands known as the “Santa Ana Pueblo Spanish Grant”)<sup>1</sup> the Moapa Indian reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, the Burns Paiute Reservation, the Coeur d’Alene Indian Reservation, the Kalispel Indian Reservation, the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, Yavapai-Prescott<sup>2</sup> Community Reservation, the Pyramid Lake Reservation, the Gila River Reservation, the Soboba Indian Reservation, the Viejas Indian Reservation, the Tulalip Indian Reservation, the Navajo Reservation, the Cabazon Indian Reservation, the Mille Lacs Indian Reservation with respect to a lease between an entity established by the Mille Lacs Band of Chippewa Indians and the Minnesota Historical Society, leases of the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington,<sup>3</sup> and lands held in trust for the Las Vegas Paiute Tribe of Indians, and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indians, and lands held in trust for the Reno Sparks Indian Colony,<sup>3</sup> lands held in trust for the Cherokee Nation of Oklahoma, lands held in

<sup>1</sup> So in original. Probably should be followed by a comma.

<sup>2</sup> So in original. Probably should be preceded by “the”.

<sup>3</sup> So in original.

trust for the Pueblo of Santa Clara, lands held in trust for the Confederated Tribes of the Colville Reservation, lands held in trust for the Cahuilla Band of Indians of California, lands held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon, and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, and leases to the Devils Lake Sioux Tribe, or any organization of such tribe, of land on the Devils Lake Sioux Reservation, which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may be for a term of not to exceed ten years. Leases for public, religious, educational, recreational, residential, or business purposes (except leases the initial term of which extends for more than seventy-four years) with the consent of both parties may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years, and all leases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior. Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.

**(b) Leases involving Tulalip Tribes**

Any lease by the Tulalip Tribes under subsection (a) of this section, except a lease for the exploitation of any natural resource, shall not require the approval of the Secretary of the Interior (1) if the term of the lease does not exceed fifteen years, with no option to renew, (2) if the term of the lease does not exceed thirty years, with no option to renew, and the lease is executed pursuant to tribal regulations previously approved by the Secretary of the Interior, or (3) if the term does not exceed seventy-five years (including options to renew), and the lease is executed under tribal regulations approved by the Secretary under this clause (3).

**(c) Leases involving Hopi Tribe and Hopi Partitioned Lands Accommodation Agreement**

Notwithstanding subsection (a) of this section, a lease of land by the Hopi Tribe to Navajo Indians on the Hopi Partitioned Lands may be for a term of 75 years, and may be extended at the conclusion of the term of the lease.

**(d) Definitions**

For purposes of this section—

(1) the term “Hopi Partitioned Lands” means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on October 11, 1996); and

(2) the term “Navajo Indians” means members of the Navajo Tribe.

(Aug. 9, 1955, ch. 615, §1, 69 Stat. 539; Pub. L. 86-326, Sept. 21, 1959, 73 Stat. 597; Pub. L. 86-505, §2, June 11, 1960, 74 Stat. 199; Pub. L. 87-375, Oct. 4, 1961, 75 Stat. 804; Pub. L. 87-785, Oct. 10, 1962, 76 Stat. 805; Pub. L. 88-167, Nov. 4, 1963, 77 Stat. 301; Pub. L. 89-408, Apr. 27, 1966, 80 Stat. 132; Pub. L. 90-182, Dec. 8, 1967, 81 Stat. 559; Pub. L. 90-184, Dec. 10, 1967, 81 Stat. 560; Pub. L. 90-335, §1(f), June 10, 1968, 82 Stat. 175; Pub. L. 90-355, June 20, 1968, 82 Stat. 242; Pub. L. 90-534, §6, Sept. 28, 1968, 82 Stat. 884; Pub. L. 90-570, Oct. 12, 1968, 82 Stat. 1003; Pub. L. 91-274, §§2, 3, June 2, 1970, 84 Stat. 302; Pub. L. 91-275, §§1, 2, June 2, 1970, 84 Stat. 303; Pub. L. 91-557, §8, Dec. 17, 1970, 84 Stat. 1468; Pub. L. 92-182, §6, Dec. 15, 1971, 85 Stat. 626; Pub. L. 92-431, Sept. 26, 1972, 86 Stat. 723; Pub. L. 92-472, §7, Oct. 9, 1972, 86 Stat. 788; Pub. L. 92-488, §4, Oct. 13, 1972, 86 Stat. 806; Pub. L. 96-216, Mar. 27, 1980, 94 Stat. 125; Pub. L. 96-491, §3, Dec. 2, 1980, 94 Stat. 2564; Pub. L. 97-459, title I, §107, Jan. 12, 1983, 96 Stat. 2516; Pub. L. 98-70, Aug. 8, 1983, 97 Stat. 401; Pub. L. 98-203, §1(c), Dec. 2, 1983, 97 Stat. 1384; Pub. L. 99-221, §2, Dec. 26, 1985, 99 Stat. 1735; Pub. L. 99-389, §3(a), Aug. 23, 1986, 100 Stat. 829; Pub. L. 99-500, §101(h) [title I, §122], Oct. 18, 1986, 100 Stat. 1783-242, 1783-267, and Pub. L. 99-591, §101(h) [title I, §122], Oct. 30, 1986, 100 Stat. 3341-242, 3341-267; Pub. L. 99-575, §5, Oct. 28, 1986, 100 Stat. 3246; Pub. L. 101-630, title II, §201, Nov. 28, 1990, 104 Stat. 4532; Pub. L. 102-497, §5, Oct. 24, 1992, 106 Stat. 3255; Pub. L. 103-435, §5, Nov. 2, 1994, 108 Stat. 4569; Pub. L. 104-301, §9, Oct. 11, 1996, 110 Stat. 3652; Pub. L. 105-256, §1, Oct. 14, 1998, 112 Stat. 1896.)

**CODIFICATION**

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

**AMENDMENTS**

1998—Subsec. (a). Pub. L. 105-256, in second sentence, inserted “the Cabazon Indian Reservation,” after “the Navajo Reservation,” and “lands held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon,” after “lands held in trust for the Cahuilla Band of Indians of California.”

1996—Subsecs. (c), (d). Pub. L. 104-301 added subsecs. (c) and (d).

1994—Subsec. (a). Pub. L. 103-435 inserted “the Viejas Indian Reservation,” after “Soboba Indian Reservation,” in second sentence.

1992—Subsec. (a). Pub. L. 102-497, in second sentence, inserted “lands held in trust for the Pueblo of Santa Clara, lands held in trust for the Confederated Tribes of the Colville Reservation, lands held in trust for the Cahuilla Band of Indians of California,” after “Oklahoma.”

1990—Subsec. (a). Pub. L. 101-630 inserted “the Mille Lacs Indian Reservation with respect to a lease between an entity established by the Mille Lacs Band of Chippewa Indians and the Minnesota Historical Society,” after “the Navajo Reservation.”

1986—Subsec. (a). Pub. L. 99-575 inserted “the Pueblo of Santa Ana (with the exception of the lands known as the ‘Santa Ana Pueblo Spanish Grant’)” after “the Dania Reservation.”

Pub. L. 99-389 inserted “, and lands held in trust for the Reno Sparks Indian Colony,”

Subsec. (b). Pub. L. 99-500 and Pub. L. 99-591 added cl. (3).

1985—Pub. L. 99-221 inserted “, lands held in trust for the Cherokee Nation of Oklahoma,”

1983—Subsec. (a). Pub. L. 98-203 inserted “, and lands held in trust for the Las Vegas Paiute Tribe of Indians,”

Pub. L. 98-70 inserted “, and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indi-

ans, and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana”.

Pub. L. 97-459 struck out “and” before “leases of land on the Agua Caliente” and authorized ninety-nine year leases of land on the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe or any organization of such tribe.

1980—Subsec. (a). Pub. L. 96-491 inserted “the Moapa Indian reservation”.

Pub. L. 96-216 inserted provisions relating to lands comprising the Moses Allotment Numbered 10, Chelan County, Washington.

1972—Subsec. (a). Pub. L. 92-488 inserted “the Burns Paiute Reservation,” after “the Fort Mojave Reservation,”.

Pub. L. 92-472 inserted “the Coeur d’Alene Indian Reservation,” after “the Fort Mojave Reservation,”.

Pub. L. 91-431 inserted provision excepting leases of land located outside the boundaries of Indian reservations in State of New Mexico from the twenty-five year time limit.

1971—Subsec. (a). Pub. L. 92-182 inserted “the Kalispel Indian Reservation” after “the Fort Mojave Reservation”.

1970—Subsec. (a). Pub. L. 91-557 inserted “the Soboba Indian Reservation,” after “Gila River Reservation,”.

Pub. L. 91-275 inserted “Yavapai-Prescott Community Reservation,” after “San Carlos Apache Reservation,” and inserted list of factors that the Secretary must consider before approving a lease or an extension of an existing lease.

Pub. L. 91-274, §§ 2, 3, designated existing provisions as subsec. (a) and inserted “the Tulalip Indian Reservation,” after “the Gila River Reservation,”.

Subsec. (b). Pub. L. 91-274, § 3, added subsec. (b).

1968—Pub. L. 90-570 inserted “the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni,” after “Fort Mojave Reservation,”.

Pub. L. 90-534 inserted “the Swinomish Indian Reservation,” after “Dania Reservation,”.

Pub. L. 90-355 inserted “the Hualapai Reservation,” after “Fort Mojave Reservation,”.

Pub. L. 90-335 inserted “the Spokane Reservation,” after “the Fort Mojave Reservation”.

1967—Pub. L. 90-184 inserted “the San Carlos Apache Reservation” after “Fort Mojave Reservation”.

Pub. L. 90-182 inserted “the Gila Reservation,” after “Pyramid Lake Reservation”.

1966—Pub. L. 89-408 inserted “the Pyramid Lake Reservation” after “Fort Mojave Reservation,”.

1963—Pub. L. 88-167 inserted “the Fort Mojave Reservation,” after “Southern Ute Reservation”.

1962—Pub. L. 87-785 authorized leases for not more than 99 years of lands on Southern Ute Reservation.

1961—Pub. L. 87-375 authorized longer term leases of Indian lands on Dania Reservation and excepted from renewal leases the initial term of which extends for more than 74 years.

1960—Pub. L. 86-505 authorized leases for not more than 99 years of lands on Navajo Reservation.

1959—Pub. L. 86-326 substituted “except leases of land on the Agua Caliente (Palm Springs) Reservation which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may” for “excepting leases for grazing purposes, which shall”, in second sentence.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Section 6(a) of Pub. L. 99-575 provided in part that the amendment made by Pub. L. 99-575 is effective Oct. 28, 1986.

#### SHORT TITLE OF 1985 AMENDMENT

Section 1 of Pub. L. 99-221 provided that: “This Act [amending this section, section 450i of this title, section 3121 of Title 26, Internal Revenue Code, and section 410 of Title 42, The Public Health and Welfare, and enacting a provision set out as a note under section 410 of Title 42] may be cited as the ‘Cherokee Leasing Act’.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 415a, 415b, 415c, 415d, 416a, 941j, 1724, 1771e of this title.

#### § 415a. Lease of lands of deceased Indians for benefit of heirs or devisees

Restricted lands of deceased Indians may be leased under sections 415 to 415d of this title, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in section 380 of this title: *Provided*, That if the authority of the Secretary under this section is delegated to any subordinate official, then any heir or devisee shall have the right to appeal the action of any such official to the Secretary under such rules and regulations as he may prescribe.

(Aug. 9, 1955, ch. 615, § 2, 69 Stat. 539.)

#### § 415b. Advance payment of rent or other consideration

No rent or other consideration for the use of land leased under sections 415 to 415d of this title shall be paid or collected more than one year in advance, unless so provided in the lease.

(Aug. 9, 1955, ch. 615, § 4, 69 Stat. 540.)

#### § 415c. Approval of leases

The Secretary of the Interior shall approve no lease pursuant to sections 415 to 415d of this title that contains any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

(Aug. 9, 1955, ch. 615, § 5, 69 Stat. 540.)

#### § 415d. Lease of restricted lands under other laws unaffected

Nothing contained in sections 415 to 415d of this title shall be construed to repeal any authority to lease restricted Indian lands conferred by or pursuant to any other provision of law.

(Aug. 9, 1955, ch. 615, § 6, 69 Stat. 540.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 415a, 415b, 415c, 416a, 1724, 1771e of this title.

#### § 416. Leases of trust or restricted lands on San Xavier and Salt River Pima-Maricopa Indian Reservations for public, religious, educational, recreational, residential, business, farming or grazing purposes

Any trust or restricted Indian lands, whether tribally or individually owned, located on the San Xavier Indian Reservation and the Salt River Pima-Maricopa Indian Reservation, in the State of Arizona, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, business, farming or grazing purposes, including the development or utilization of natural resources in connection with operations under such leases, but no lease shall be executed under sections 416 to 416j of this title for purposes that are subject to the laws governing mining leases on Indian lands.